

REMARKS

This amendment is responsive to the Non-Final Rejection of May 15, 2007. Reconsideration and allowance of all claims are requested.

The Office Action

Claim 33 is objected to because of the following informalities: Claim 33 is dependent on cancelled claim 32. Claim 33 has been amended herein to properly depend from claim 30, in accordance with the Examiner's suggestions.

Claims 3, 5, 7-9 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arellano et al. (US 2004/0128524 A1) in view of Graves (US 5,410,344).

Claims 10-13, 34-38 and 41 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arellano et al. (US 2004/0128624 A1) and Akella et al. (US 2002/0178146 A1).

Claims 15, 39 and 42 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arellano et al. (US 2004/0128624 A1) and Akella et al. (US 2002/0178146 A1) as applied to claims 10 and 34 above and in further view of Elenbaas et al. (US 2005/0028194 A1).

Claims 16, 40 and 43 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arellano et al. (US 2004/0128624 A1), Akella et al. (US 2002/0178146 A1) and Elenbaas et al. (US 2005/0028194 A1) as applied to claims 10 and 15, and 34 and 39 above and in further view of Graves.

Claims 17, 20, 24, 25, 29-30, and 33 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arellano et al. (US 2004/0128624 A1) in view of Graves and Elenbaas et al. (US 2005/0028194 A1).

Claims 18 and 19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Arellano et al. (US 2004/0128624 A1), Graves, and Elenbaas et al. (US 2005/0028194 A1) as applied to claim 17 above and further in view of Sezan et al. (US 2005/0091686 A1).

The Claims Distinguish Patentably Over the References of Record

Claim 5 sets forth a data processing system which includes a demultiplexer, an analyzer, a storing computer routine for storing facts, etc., in an adaptive memory, and a reasoning and fact reconciling computer routine. The reasoning and fact reconciling computer routine uses modal logic to control the adaptive memory. Arellano fails to disclose a data processing system with this organization. Graves fails to overcome the deficiencies of Arellano with regard the claimed features.

The Examiner contends that Arellano inherently teaches a demultiplexer, at line 13 of paragraph [0103], to separate the various data components received via the network (Fig. 18), and which demultiplexes at least visual, audio, and multimedia content (paragraph [0033]). However, line 13 of paragraph [0103] reads as follows: "...Assistant) connection protocol, browser, modem speed, etc." There is no structure set forth in the cited passage, let alone elsewhere in Arellano, that includes a demultiplexer, inherently or otherwise. Moreover, paragraph [0033] merely states that a content element is representable in multiple forms, including text, audio, video, image, or multimedia. Mere mention of formats in which a content element can be represented does not teach or suggest demultiplexing a data stream containing all such forms to filter out individual forms of the content.

The Examiner admits that Arellano fails to teach or suggest using modal logic to control the adaptive memory, and introduces Graves to overcome this deficiency. However, Graves discusses only a neural network, which does not employ modal logic. Graves is in fact silent with regard to the claimed aspect of using modal logic. Moreover, the Examiner correctly admits, in the rejection of claims independent 17 and 29, that the combination of Arellano and Graves does not teach or suggest using non-monotonic logic, and therefore introduces Elenbaas as teaching the use of non-monotonic logic. However, as indicated in the subject application, modal logic is a form of non-monotonic logic. Therefore, if Graves does not teach using non-monotonic logic, it cannot teach using modal logic. Accordingly, it is submitted that **claim 5 and claims 2-3, and 6-9 dependent therefrom** distinguish patentably and unobviously over the references of record.

Claim 10 has been amended to include the aspect of using modal non-monotonic logic, previously set forth in dependent claims 15 and 16, and sets forth that the snapshots being analyzed contain information related to user behavior and/or interests. Claim 10 calls for updating an adaptive personal memory based on the analysis of content and *behaviors of a relevant user*. Further, claim 10 calls for the processor to periodically generate snapshots of user viewed content and behavior, each snapshot representing a preceding period since the generation of a prior snapshot. Further, claim 10 calls for analyzing a series of the snapshots to determine *user behavior trends and patterns in content experienced by the user*. Arellano neither discloses such an organization nor the use of snapshots as currently claimed.

The Examiner admits that Arellano fails to disclose analyzing snapshots indicative of user interest for adaptive memory tracking and evolution of the user, and relies on Akella to teach such aspects. However, Akella fails to overcome the deficiencies of Arellano with regard to analyzing snapshots of indicative of user interests. Rather, Akella describes a system wherein a user views snapshots of data related to other entities (i.e., not related to the user or the user's interests). For instance, "A user can scroll through views of historical data pertaining to a customer or other entity included in the database." (See, e.g., paragraph [0009].) Akella is silent with regard to the aspect of analyzing snapshots indicative of user interest of behavior. Moreover, as stated above, Graves discusses a neural network, but does not teach or disclose using modal non-monotonic logic. Accordingly, it is submitted that **claim 10 and claims 11-13 dependent therefrom** distinguish patentably and unobviously over the references of record.

Claim 17 has calls for an adaptive memory and a processor which maintains the adaptive memory. Further, the code implemented by the processor analyzes the experienced content, the user behavior, and responses to at least one query to create updated data and updates the adaptive memory with the updated data. The updating and analyzing are to be done using modal, non-monotonic logic. The present application acknowledges that non-monotonic logic and modal operators are known mathematical techniques. But, the present application finds them particularly advantageous techniques relative to other logic techniques. Elenbass, at paragraph [0046], lines 16-20, provides a list of logic or reasoning process which he presents as

being equivalent. There is no suggestion in Elenbass or Arellano that non-monotonic reasoning is superior. Neither Elenbass nor Arellano provide any motivation for picking non-monotonic reasoning out of the list.

Regarding the modal limitation, Graves describes a neural network, but is silent with regard to the aspect of using modal logic. Accordingly, it is submitted that **claim 17 and claims 18-20 dependent therefrom** distinguish patentably and unobviously over the references of record.

Claim 29 calls for performing at least one of maintaining, analyzing, and updating steps using non-monotonic logic, wherein the non-monotonic logic is modal logic. The Examiner has admitted that neither Arellano nor Graves teaches the aspect of using modal non-monotonic logic. Elenbass, cited by the Examiner, provides a list of various applicable logic techniques, all presented as equivalents. There is no suggestion in Elenbass that one of these techniques, particularly non-monotonic logic, would be superior. Further, none of the cited references teaches or suggests using modal non-monotonic logic, much less provide any motivation or reason to suspect that the combination of modal, non-monotonic logic in the data processing method of claim 29 would be superior or advantageous to other methods. Accordingly, it is submitted that **claim 29 and claims 24-25, 30, and 33 dependent therefrom** distinguish patentably and unobviously over the references of record.

Claim 34 has been amended to include the aspect of using modal non-monotonic logic, previously set forth in dependent claims 39 and 40, and is furthermore directed to a computer program embodying code for causing a data processing system to perform operations to maintain at least one adaptive personal memory. A series of code elements are set forth including a code which periodically creates a snapshot depicting the captured relevant user's experienced content and behavior over a preceding period.

Claim 34 also calls for a code for analyzing a plurality of snapshots to develop patterns, trends, and tendencies in a relevant user's behavior using modal non-monotonic logic. The only reference to a snapshot appears in paragraph [0018] of Arellano. However, Arellano does not suggest periodically generating snapshots and then analyzing a plurality of the snapshots to develop patterns, trends, and tendencies in the relevant user's behavior. As stated above with regard to claim 10,

Akella fails to overcome the deficiencies of Arellano with regard to analyzing snapshots of indicative of *user* interests. Rather, Akella describes a system wherein a user views snapshots of data related to other entities (i.e., not related to the user or the user's interests). Akella is silent with regard to the aspect of analyzing snapshots indicative of user interest of behavior. Moreover, as stated above, Graves relates to a neural network, but does not teach or disclose using modal non-monotonic logic. Accordingly, it is submitted that **claim 34 and claims 35-38 and 41-44 dependent therefrom** distinguish patentably and unobviously over the references of record.

Reconsideration of the 37 CFR 1.131 Declaration

The applicant requests that the Examiner reconsider his holding that 7 months between preparation of a disclosure document and filing a patent application. It is well established that those involved in the patent obtaining process need not drop everything and put a disclosure at issue at the head of the line. To do so would move other inventions back.

As set forth in the Declaration, the submitted disclosure was collected with other disclosures to decide which to patent. Such a decision process requires a reasonable period of time to collect other disclosures and schedule a meeting.

As set forth in the Declaration, this invention was next sent for a search. Again, the searchers search the new disclosures in order. Typical search turn around times in the experience of the undersigned are 2½ - 4 months.

The inventors and attorney or agent need to be accorded a reasonable duration to review the search and evaluate the results.

The attorney or agent charged with drafting the application has a docket of applications to draft. Diligence does not require moving every application to the head of the line.

Often, the drafting attorney or agent schedules a meeting or teleconference with the inventors. Coordinating schedules is done promptly, but cannot be done instantly.

Once drafting an application starts, one can expect an application of this size to require 30-45 working hours depending on the experience of the drafter. This includes drafting and redrafting with secretarial time between drafts. The secretary

again has a docket of work. Sometimes, it becomes necessary to contact the inventor for clarification.

Once drafted, the application is reviewed by the inventors. Again, the inventor must review the application promptly but is not required to drop everything. Because reviewing an application can take a significant period of time, scheduling such a significant period of time, e.g. a day, is not done instantly, particularly when plural inventors need to coordinate their reviews and proposed modifications.

Once the inventors have their proposed modifications, they are communicated to the drafting attorney or agent, possibly in a meeting.

Once redrafted, the inventors again review the application and either approve it or send another round of modifications.

Then submission papers are prepared and the application is filed. In 2001, filing was often done by mail.

It is submitted that when one understands the complex process of preparing a well drafted application with a professional search, seven months does not evidence a lack of diligence. Rather, when one considers the number of people involved and the number of times they must interface, 7 months is prompt and evidences diligence.

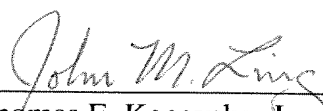
Also, the Examiner is requested to consider how long an application sets in a diligent Examiner's new application and amendment dockets.

CONCLUSION

For the reasons set forth above, it is submitted that all claims now comply with the statutory requirements and distinguish patentably and unobviously over the references of record. An early allowance of all claims is requested.

Respectfully submitted,

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